



ELKHART, INDIANA 46516 • MUNICIPAL BUILDING, 229 SO. SECOND STREET • (219) 294-5471

ENGINEERING

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 Mary Reecer, Executive Secretary

JAMES P. PERRON, Mayor

March 14, 1986

RECEIVED

MAR 21 1986

MEMO TO: NORTH MAIN STREET WELLFIELD FILE

FROM: Gary A. Gilot *G.A.G. mr.*SITE MANAGEMENT
SECTION

This is in follow-up to actions taken on this date regarding construction of a building on the Durakool property east of the North Main Street Wellfield and related concerns about removal of potentially contaminated soil from this site to other properties west of Elkhart.

At approximately noon I received a call from Larry Pozgay, Lab and Pretreatment Superintendent, for the Elkhart Municipal Wastewater Treatment Plant. He explained that a Water Works employee who works at the North Main Street Wellfield and also moonlights as Superintendent for the Suburban Utilities Water Works, had advised Mr. Pozgay that excavation was taking place on the Durakool site and soil from this site was being deposited on land owned by Suburban Utilities west of Elkhart.

In follow-up to this conversation, I checked with the Planning Department on the zoning clearance and the Building Department on the Building Permit for this activity on the Durakool property. Both permits were in compliance with City Ordinances. No exceptions were taken. Based on the site plan showing the expansion of the Durakool building to the east of the existing building, I reviewed the information available in the notebook on the North Main Street Wellfield contamination Superfund activities. Information available in the 1983 Clyde Williams Report to Excel Corporation and the 1983 report by Shilts-Graves and Associates to Durakool, it was apparent that the new building was in the path of the plume of contamination from the vicinity of the Excel/Durakool properties toward the North Main Street Wellfield. Furthermore it was noted that the 1983 report showed an isocontour of 1500 ppb of TCE in the groundwater and some of the soil boring information in the ShiltsGraves Associates report showed concentrations of up to 4400ppb of TCE in the soil as shallow as 4 ft. deep (ie. at soil boring D7).

I contacted Attorney Tom Daggett at U.S.EPA, Region V inasmuch as Project Manager, Mike Strimbu will be out of the office for an extended period of time. I explained the situation to Mr. Daggett and inquired as to whether this would be an appropriate application of a temporary restraining order. It was Mr. Daggett's opinion that the pending activities posed no immediate irreparable harm, but rather resulted in a potentially increased cost of remedial actions. Mr. Daggett indicated that the EPA was not at a point in the remedial investigation feasibility study where they could point out what the final required action would be in the vicinity of this construction activity on the Durakool property. Mr. Daggett indicated he believed that EPA would follow-up with a letter to Durakool advising them that they may be increasing their liability as a probable responsible party in that their actions in constructing a building over grossly contaminated soil could lead to more expensive remedial actions. I further inquired whether the EPA would require testing of the soil removed from the site to make sure that we would not end up with another Superfund site on the west side of Elkhart. Mr. Daggett responded if we did not have specific data indicating that the shallow foundation excavations would result in soil leaving the site that was contaminated, he could not require sampling or require disposal of the material as hazardous material. He did advise that there would be no problem with the City contacting representatives of Durakool and recommending that it would be advisable for them to test the soil for TCE content. He also advised that it would be alright for the City of Elkhart to comment that the placement of the building might result in elimination of the most cost effective means of controlling the source.

At this point I briefed Mayor Perron and City Controller, Maribeth Hicks on the subject and left a message with Corporation Counsel, Richard Noser. After discussing the matter, a conference call was placed by Mayor Perron, Maribeth Hicks and myself to Mr. George Bucklen, Secretary of the Durakool Corporation. We explained our concerns and our role as local elected official and technical liason to EPA on this Superfund (ie. Feddeal lead) contamination project. We related our understanding that soil was being removed from the site and taken to Suburban Utilities west of Elkhart. Mr. Bucklen indicated that it was his understanding that either no soil or very minimal amounts of soil had been removed from the site. He indicated that construction work began on March 14 and that the material that was removed was asphalt and concrete from an old building foundation. We

expressed concern that when and if potentially contaminated soil is removed from the site, that it should be tested for TCE content of a representative sample or samples to determine whether Durakool is expanding their potential liability for contamination of another site, by possible improper disposal of contaminated soil. It was made clear that this was a recommendation, but not something that we could require, that Durakool or any other party do. Mr. Bucklen, as a corporate officer of Durakool, indicated that he appreciated the observation and that they would, in fact, voluntarily do this. We also pointed out the concern that placing the building over an area with reported high concentrations of TCE in the ground water and the soil could be increasing the cost of remedial action. Mr. Bucklen indicated that the EPA had never responded to those reports on which of the alternate remedial actions on their property would be acceptable. He also stated that Durakool felt that by placing a building over the site they would be capping the contaminated soil thereby preventing further washing action by precipitation events. We pointed out that excavation of the gross contaminated soil, prior to capping, would be beneficial to the overall solution which includes the installation of air stripping towers at the North Main Street well-field.

It was agreed that the contacts made to EPA and to Durakool should be documented for the file and appropriate follow-up action should be taken next week. I will be coordinating with Mr. Dave Webster of Durakool in George Bucklen's absence. We will be specifically needing a timetable on foundation excavation work and input from Mike Strimbu on technical requirements.

cc: Mayor James P. Perron
Board of Public Works
Mike Terlep, Water Board
Larry Pozgay, WWTP
Mike Strimbu, U.S. EPA
Tom Daggett, Atty. U.S. EPA

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